REMARKS

Applicant replies to the Office Action mailed December 28, 2006. Claims 1-52 and 55 were pending in the application and the Examiner rejects claims 1-52 and 55. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments.

The Examiner rejects claim 55 for formal reasons. Applicant respectfully traverses this rejection.

Claim 55 has been amended so that is dependent on claim 1.

The Examiner rejects claims 24-52 under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

Independent claims 24 and 46 have been amended to more clearly define the invention. In particular, claim 24 has been amended to show that the system is a computer system that includes a processor. Claim 46 has been amended to show that the system is a computer system with a processor and memory. Claims 25-45 and 47-52 are now allowable as they are dependent on the currently amended Claims 24 and 46.

The Examiner rejects claim 1 under 35 USC 112 as being indefinite. Applicant respectfully traverses this rejection.

Claim 1 has been amended to overcome the indefiniteness objection raised by the Examiner. In particular, the preamble of the claim has been amended to show that the computer implemented method is for a primary application to provide an indication of [i.e. verify] the integrity of a secondary application. Similar amendments have been made to claims 24 and 46.

The Examiner rejects claims 1-2, 4, 6-17, 19-24, 26-39, 41-46, 48-52 and 55 under 35 USC 103(a) as being unpatentable over Carpentier et. al., U.S. Patent No. 6,807,632 ("Carpentier") further in view of Williams, U.S. Patent No. 6,591,272 ("Williams"). Applicant respectfully traverses this rejection.

The Examiner has not established a prima facie case of obviousness for the reasons set forth below and so the rejections are improper and should be withdrawn.

According to MPEP § 2143, to establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In the present case, the Examiner has not shown the motivation or suggestion to combine the prior art and therefore the rejection is improper and should be withdrawn.

Carpentier and Williams

The Examiner has not shown the required suggestion or motivation to combine the prior art to disclose the claimed invention as Carpentier and Williams are non-analogous prior art because they are not in the field of endeavour of the applicant and are not reasonably pertinent to the particular problem with which the invention is concerned. Therefore, they cannot be used as prior art to reject the claims of the present application. See MPEP 2141.01(a).

First, neither Carpentier nor Williams is in the field of applicant's endeavour (providing an indication of the integrity of an application) since Carpentier is directed towards either

distinguishing different versions of files with the same identifier or recognising identical files with different identifiers (see Carpentier, col. 2, lines 32-36) and Williams is directed towards mapping data from a database into object-oriented applications (see Williams, abstract and col. 4, lines 48-51).

Second, because Carpentier and Williams are in a different field of endeavour, they are not reasonably pertinent to the particular problem with which the invention is concerned.

In particular, Carpentier is trying to solve the problem associated with either unnecessarily transmitting data files to a computer system that already exist on the computer system or unnecessarily duplicating data files that already exist. That is, Carpentier is directed towards determining the specific data within a data file or determining the identity of a data file in order to ascertain whether that data file should be transmitted or reproduced.

Williams is trying to solve the problem associated with using incompatible information from different databases in multiple applications. That is, Williams provides a method of retrieving information from a database in a generic manner so the information can be used in a mapping tool to match various application's requirements.

In contrast, the problem addressed by the claimed invention is the inability to confirm that a secondary application's integrity is intact prior to controlling a primary application that is dependent of the secondary application's integrity. That is, the invention as claimed ensures that the primary application is controlled based on whether the secondary application's schema has changed or not.

Further, according to MPEP 2143.01, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). See also In re Fritch, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992). That is, although the Examiner asserts that Carpentier and Williams can be combined, there is not teaching or suggestion in either of these documents that the combination is desirable. In particular, there is no teaching or suggestions to indicate that the combination of these documents is desirable to solve the problem addressed by the present application.

Even if Carpentier and Williams were combined, the combination of the features does not provide all the features of the independent claims. In particular, the feature of providing an indication of the integrity of a secondary application based on a comparison of first and second reduced representations of schema metadata is not disclosed nor suggested. Carpentier, merely teaches a determination of whether or not a file already exists on the system by comparing hashed data (and identity information) from the file with hashed data (and identity information) of existing files. This determination results in the application either copying/transmitting the file or not. The mere inclusion of schema metadata as taught by Williams into the information transmitted as taught by Carpentier does not lead to an indication of the integrity of the application but will merely result in Carpentier comparing the schema metadata of files to determine if that file is the same as another file on the system. This is not the same as providing an indication of the integrity of the application.

Response to the Examiner's comments on pages 34-36 of the Office Action

Although Carpentier may disclose metadata about database records catalogued in a descriptor file that can be used to identify tables or files to which those records pertain, this is not the same as providing schema metadata. Metadata and schema metadata are two distinct things. Schema metadata is representative of a structure. It is clear from the above sentence that the metadata referred to in Carpentier is merely used to identify. That is, it is used to indicate which of the tables or files is being referred to. This is carried out by providing identification information not structural information. This is directly tied in with the purpose of Carpentier which is to check whether files identified in the same way (have the same file name) actually hold different data, or whether files identified in a different way (have different file names) actually hold the same date. It does not mean that data is provided showing how the table is structured or laid out, i.e. Carpentier does not disclose the provision of schema metadata, and the teaching is only directed towards comparing the actual data in a file or comparing identification information associated with a file.

On page 35, the Examiner asserts that when verifying data files of a database in order to transfer there must be a check as to the integrity of whether or not the data is acceptable. The claimed invention is not concerned with verifying data files. The claimed invention is concerned with checking that the schema of a secondary application (e.g. a database) is the same as when it was previously checked, and is not concerned with whether the data stored in the database is acceptable or indeed present. The claimed invention does not verify data files of a database, but instead provides an indication of the integrity of the database based on whether the schema of the database has changed. Based on this indication, the execution of a primary application is controlled. For example, the primary application may send an error report if there is a change in the schema, or may query the database if there is no change in the schema.
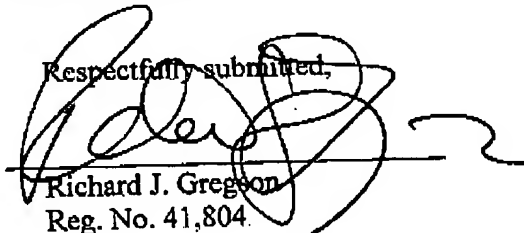
CONCLUSION

In view of the above remarks, Applicant respectfully submits that pending claims 1-52 and 55 properly set forth that which Applicant regards as his invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at (215) 986-3325 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicant authorizes and respectfully requests that any fees due be charged to Deposit Account 19-3790.

Respectfully submitted,

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